



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456



July 10, 2001

**Certified Mail
Return Receipt Requested**

**Letter of Deficiency
No. WMD 01-12**

William Filgate
7 Meadow Lane
Gilford, NH 03246

Re: SWC 01-022; 223 Cotton Hill Road, Gilford, NH

Dear Mr. Filgate

On June 21, 2001, personnel from the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of your property located at 223 Cotton Hill Road, Gilford, NH (Site). The purpose of this inspection was to determine whether you were in compliance with RSA 149-M and rules adopted pursuant thereto relative to the proper disposal of solid waste.

During the inspections, DES personnel observed or learned the following:

1. Mr. Filgate informed DES personnel that between the years of 1965 and approximately 1993, he had buried asphalt roofing shingles behind the garage in an area approximately 50 feet by 100 feet. The waste ranges in depth from six feet by the garage and tapering out to two feet at the far end of the property.

This letter serves to inform you that the above referenced Site condition constitutes a violation of RSA 149-M, and its implementing regulations, specifically:

RSA 49-M:9, Operating an unpermitted solid waste facility.

DES believes that the cited deficiency can be corrected by completing the following requested remedial actions within the time indicated:

Immediately cease operating an unpermitted solid waste facility.

2. **By August 1, 2001**, submit to DES for approval a Scope of Work for the removal of all solid waste at the Site. Include as part of the Scope of Work a schedule which details when the work will be done. Considering the type of material buried, local contractors with excavating and hauling capability should be able to accomplish the above.

3. **Within 10 days** of receipt, submit a written status report identifying the consultant required by item 2 above and provide documentation that certifies the consultant has been retained.

4. Upon DES approval of the Scope of Work and proposed schedule, implement the Scope of Work as approved and complete the removal of all solid waste Site to a facility or facilities permitted to accept such wastes in accordance with the approved schedule.
5. Submit one written status report to DES **within 10 calendar days** of completing the approved Scope of Work certifying that corrective measures have been implemented in accordance with the approved Scope of Work and compliance achieved. Include in the report supporting documentation describing those measures taken to achieve compliance, copies of any written plans and copies of disposal receipts.

Please address all correspondence and reports regarding this matter to:

DES, WMD
6 Hazen Drive
Concord, New Hampshire 03301-6507

Attention: Kenneth W. Marschner

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you, including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

A goal of DES is to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. DES strives to ensure that pollution prevention options are considered first, followed by recycling, treatment and lastly, disposal. If you have any questions about pollution prevention, please contact Ms. Stephanie D'Agostino at 271-6398.

Your prompt cooperation is appreciated. Please contact Carl Woodbury at (603) 271-3899 if you have any questions or need further assistance.

Sincerely,



Kenneth W. Marschner
Administrator
Waste Management Programs

CC: DB/Town/File
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Enforcement Coordinator, DES
Town Clerk, Gilford, NH
S. D'Agostino, DES

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Enclosure: List of contractors and consultants (No requirement to use a specific contractor from this list)